



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 00115-00  
2 March 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: SSGT [REDACTED] III, USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 15 Nov 99 w/attachments  
(2) HQMC memo 1600 MMER dtd 30 Dec 99  
(3) HQMC memo 1070 MI dtd 14 Feb 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing two service record book (SRB) page 11 ("Administrative Remarks") counseling entries, a page 11d entry dated 23 May 1996 and a page 11e entry dated 27 June 1996. Copies are in enclosure (1) at Tabs A and B respectively. Petitioner further requests correction of his Master Brief Sheet (MBS), as it relates to his fitness report dated 10 October 1996, by changing a mark of "EX" (excellent) to "OS" (outstanding). The Board did not consider this request since the MBS is not Petitioner's official record, and the correspondence at enclosure (2) reflects Headquarters Marine Corps (HQMC) has advised him of the proper administrative procedure for correcting the MBS.

2. The Board, consisting of Messrs. Pfeiffer and Zsalman and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 2 March 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the HQMC office having cognizance over matters relating to the SRB page 11 has commented to the effect that Petitioner's request to remove the contested counseling entries has merit and warrants favorable action.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

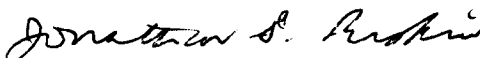
a. That Petitioner's naval record be corrected by removing two SRB page 11 ("Administrative Remarks") counseling entries, a page 11d entry dated 23 May 1996 and a page 11e entry dated 27 June 1996. In effecting this action, the service record pages 11d and 11e in question are to be physically removed or completely obliterated so they cannot be read, rather than merely lined through.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

115-00

IN REPLY REFER TO:

1600  
MMER  
30 Dec 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED]  
[REDACTED] USMC

Ref: (a) MCO P1610.7E

Encl: (1) SSgt [REDACTED] DD Form 149 of 15 Nov 99  
(2) Copy of CMC ltr 1610 MMER/PERB of 30 Dec 99

1. Staff Sergeant [REDACTED] request in enclosure (1) is twofold. He is asking for a correction to his Master Brief Sheet (MBS) as well as for the removal of two page 11 entries from his Service Record Book (SRB).
2. As evidenced by enclosure (2), this Headquarters has advised Staff Sergeant [REDACTED] of the proper procedures for effecting the administrative correction he is seeking. In this regard, no action by the PERB is required.
3. Enclosure (1) is returned to BCNR for action concerning Staff Sergeant [REDACTED] challenge to the page 11 entries.

[REDACTED]  
By direction

1610  
MMER  
30 Dec 99

From: Commandant of the Marine Corps  
To: Staff Sergeant [REDACTED] USMC  
[REDACTED]

Subj: REQUEST FOR CORRECTION TO NAVAL RECORD

Ref: (a) Your Application for Correction of Military or Naval  
Record (DD Form 149) of 15 Nov 99  
(b) MCO 1610.11C (Performance Evaluation Appeals)  
(c) MCO P1610.7E (Performance Evaluation System)

1. Reference (a) was received by this Headquarters and reviewed to ascertain compliance with the requirements of reference (b). The correction of an administrative error -- specifically the entry of an incorrect marking on your Master Brief Sheet -- does not fall under the purview of either the Board for Correction of Naval Records (BCNR) or the Marine Corps Performance Evaluation Review Board (PERB). Please refer to paragraph 8007, Chapter 9, and Appendix I of reference (c) for guidance.

2. Reference (a) will be returned to BCNR for action concerning your request to remove page 11 entries from your Service Record Book. Please direct further inquiries to that agency at DSN  
[REDACTED]

[REDACTED]  
By direction



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

115-00

IN REPLY REFER TO:

1070

MI

14 FEB 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED]  
[REDACTED] USMC

1. We reviewed Staff Sergeant [REDACTED] application concerning his request for removal of the Administrative Remarks page 11 entries dated 960523 and 960627 from his service records.
2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book (SRB), medical records, or the Marine's automated record and will be useful to future commanders.
3. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. The Marine Corps Separation Manual, paragraph 6105, sets forth policy pertaining to counseling and rehabilitation. In cases involving unsatisfactory performance, pattern of misconduct, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. All reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.
4. The Exceptional Family Member Program (EFMP) was established within the Department of the Navy (SECNAVINST 1754.5) in September 1987 and contains applicable provisions that applies to all units of the Marine Corps. The Marine Corps implemented interim policy until publishing a standard operating procedure (MCO P1754.4) during October 1992. Enrollment in the EFMP is mandatory for Marines who have a family member requiring special medical and/or special education services.

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED] USMC

5. Information regarding an EFMP enrollment will appear only in the Exceptional Family Member's (EFM) health record, the Headquarters Marine Corps (HQMC) EFMP registry, and the EFMP management files of the HQMC assignment branches. SECNAVINST 1754.5 and MCO P1754.4 specifically state personnel involved must maintain confidentiality for EFMP sponsors. Additionally, EFMP registry will not be an element of the Marine's automated records, individual record books, or the parent command's record of the sponsor.

6. Staff Sergeant [REDACTED] has been enrolled in the EFMP since October 1, 1991. He has a family member with one or more conditions or needs requiring special medical, medically-related, and special education services.

7. The following comments concerning the page 11 entry dated 960523 are provided:

a. The counseling entry does not meet the elements of a proper page 11 counseling in that it lists as deficiencies confidential information relating to Staff Sergeant [REDACTED] registry in the EFMP.

b. The deficiencies statements: "This situation is unfortunate, but must be corrected if you are to remain on active duty. You have thirty days to establish an effective plan that provides for your son and allows you to deploy." disregards the goals, intent and purpose of the EFMP and the Marine Corps' Family Care Plans (MCO 1740.13A). Additionally, it is noted that his son was hospitalized during an off-base training exercise deployment and the Red Cross was involved in his leaving the deployment early.

c. The recommendations for corrective action and where assistance can be found implies that Staff Sergeant [REDACTED] is either a single parent or dual military couple.

d. It is noted that documents included in the application do not indicate that Staff Sergeant [REDACTED] son requires long-term or recurring hospitalization.

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED] JSMC

e. The page 11 entry states that Staff Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement, however, the entry was not annotated whether or not he chose to make such a statement. If one was made, it is not known if a copy of that statement is on file in his service record, which is required per the instructions contained in the IRAM.

f. Staff Sergeant [REDACTED] acknowledged the counseling entry by his signature.

8. The following comments concerning the page 11 entry dated 960627 are provided:

a. The counseling entry does not meet the elements of a proper page 11 counseling in that it lists as deficiencies confidential information relating to Staff Sergeant [REDACTED] registry in the EFMP.

b. The statement: "Based upon these facts, you were transferred out of a deploying unit and are now being processed for an administrative separation due to parenthood." disregards the policy per the IRAM which restricts making entries on page 11 which concern administrative discharge proceedings if they do not result in a discharge.

c. The page 11 entry states that Staff Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement, however, the entry was not annotated whether or not he chose to make such a statement. If one was made, it is not known if a copy of that statement is on file in his service record, which is required per the instructions contained in the IRAM.

9. In view of the above, it is recommended that Staff Sergeant [REDACTED] request for removal from his OMPS and SRB the page 11 counseling entries dated 950523 and 960627 be approved.

10. Point of contact is Mr. [REDACTED].

[REDACTED]  
[REDACTED]  
[REDACTED]  
Head, Field Support Branch  
Manpower Management Information  
System Division